

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Jimmy Dickerson, #157113,) Civil Action No. 6:04-22649-RBH-WMC

Plaintiff,)

)
vs.)

Joey McKnight, Lieutenant at)
Florence County Detention Center;) **REPORT OF MAGISTRATE JUDGE**
and John Lambert, Warden of)
Florence County Detention Center,)

)
Defendants.)

Jimmy Dickerson, #157113,) Civil Action No. 6:05-0107-RBH-WMC

Plaintiff,)

)
vs.)

Joey McKnight, Lieutenant at)
Florence County Detention Center;)
and John Lambert, Warden of)
Florence County Detention Center,)

)
Defendants.)

The plaintiff, proceeding *pro se*, filed these actions on October 28, 2004, and January 19, 2005, respectively. On November 3, 2004, this court recommended that C.A. 6:04-22649 be dismissed without service of process under the "three strikes" rule. The plaintiff filed objections, and by order filed January 12, 2005, the district court recommitted the matter to this court to obtain and review the plaintiff's medical records and file another

recommendation. The plaintiff then filed C.A. 6:05-0107 on January 19, 2005, and the two cases were consolidated by order of this court filed January 25, 2005.

Summons were then issued on February 2, 2005, for the defendants in both cases. The summons were all returned unexecuted, indicating that neither defendant was still employed by the Florence County Detention Center. By order of this court filed March 1, 2005, the plaintiff was given through March 17, 2005, to provide more accurate service addresses for the defendants. He was specifically advised in that order that his failure to comply would result in dismissal of these cases for lack of prosecution. The plaintiff failed to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that these actions be dismissed without prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Ballard v. Carlson, 882 F.2d 93 (4th Cir. 1989), cert. denied, 493 U.S. 1084 (1990).

s/William M. Catoe
United States Magistrate Judge

April 6, 2005

Greenville, South Carolina